

Practitioner's Docket No. ST8622US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Randal W. Eveland et al.

Confirmation No.: 1249

Application No.: 10/620,824

Group No.: Not yet known

Filed: July 16, 2003

Examiner: Not yet known

For: SELF-CONTAINED BIOLOGICAL INDICATOR

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT, REQUEST AND FEE TO DELETE AND/OR  
ADD TO ORIGINAL ERRONEOUSLY NAMED OR NOT NAMED  
INVENTOR(S) IN—NONPROVISIONAL APPLICATION—DECLARATION  
(37 C.F.R. § 1.48(a))**

1. This amendment and request is to correct the incorrect original naming of inventors in the declaration under 37 C.F.R. § 1.48(a) as set forth and filed on June 15, 2004.
2. Addition of Inventor

---

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

XX deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

XX with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

as "Express Mail Post Office to Addressee"  
Mailing Label No. \_\_\_\_\_ (mandatory)

**TRANSMISSION**

\_\_\_\_ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_ - \_\_\_\_.

  
Signature

Date: July 1, 2004

Crystal Belknap

*(type or print name of person certifying)*

\* Only the date of filing ('1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under '1.8 continues to be taken into account in determining timeliness. See '1.703(j). Consider "Express Mail Post Office to Addressee" ('1.10) or facsimile transmission ('1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Add the following previously unnamed person as inventor of this application:

Jeffrey R. Horacek  
8160 Dalton Court  
Mentor, Ohio 44060  
U.S. Citizen

**3. Attachments**

Attached is:

- (a) A statement from each person being added as an inventor that the error in inventorship occurred without deceptive intention on his or her part. 37 C.F.R. § 1.48(a)(1).
- (b) A declaration by each of the actual inventors as required by 37 C.F.R. § 1.63 (or as permitted by §§ 1.42, 1.43 OR 1.47). 37 C.F.R. § 1.48(a)(2).
- (c) Written consent of the assignee, 37 C.F.R. § 1.48(a)(4).

**4. Fee Payment (37 C.F.R. § 1.17(i))**

The fee required by 37 C.F.R. § 1.17(i) is paid as follows:

Authorization is hereby made to charge the amount of \$130.00 to Credit card as shown on the attached credit card information authorization form PTO-2038.

Charge any additional fees required by this paper or credit any overpayment to Deposit Account No. 50-0537.

A duplicate of this paper is attached.

Date: July 1, 2004

Reg. No.: 36,326  
Tel. No.: 440-684-1090

**Customer No.: 22203**



\_\_\_\_\_  
Signature of Practitioner

Michael A. Jaffe

Kusner & Jaffe  
Highland Place - Suite 310  
6151 Wilson Mills Road  
Highland Heights, OH 44143

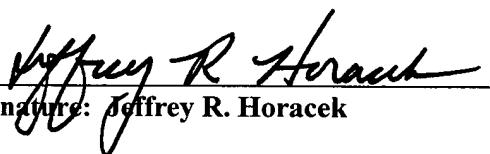
**STATEMENT OF ERROR WITHOUT DECEPTIVE INTENT  
ON THE PART OF THE OMITTED INVENTOR  
IN NONPROVISIONAL APPLICATION  
(37 C.F.R. § 1.48(a)(1))**

1. Identification of omitted inventor to which this statement is being made:

Jeffrey R. Horacek  
8160 Dalton Court  
Mentor, Ohio 44060

2. I, a person signing below, hereby state that the error in omitting the name of the inventor, as set forth in the foregoing petition under 37 C.F.R. § 1.48(a), occurred by error, without deceptive intent:

Date: 24 JUNE 2004

  
Signature: Jeffrey R. Horacek



Practitioner's Docket No. ST8622US

**PATENT**

---

**COMBINED DECLARATION AND POWER OF ATTORNEY**

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
CONTINUATION, OR C-I-P)

---

As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is for an original application.

**INVENTORSHIP IDENTIFICATION**

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am an original, first and joint inventor of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

SELF-CONTAINED BIOLOGICAL INDICATOR

**SPECIFICATION IDENTIFICATION**

The specification was filed on July 16, 2003, as Serial No. 10/620,824.

**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56, and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent.

## POWER OF ATTORNEY

I hereby appoint the following practitioners to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

### APPOINTED PRACTITIONERS

Mark Kusner  
Michael A. Jaffe  
Thomas D. McClure, Jr.  
Michael A. Centanni

### REGISTRATION NUMBERS

31,115  
36,326  
54,302  
34,796

I hereby appoint the practitioners associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

### SEND CORRESPONDENCE TO

Mark Kusner  
Kusner & Jaffe  
Highland Place - Suite 310  
6151 Wilson Mills Road  
Highland Heights, OH 44143

### DIRECT TELEPHONE CALLS TO:

Mark Kusner  
440-684-1090

Customer No.: 22203

### DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

### SIGNATURES

Randal W. Eveland

Inventor's signature:

Date: 6-24-04

Country of Citizenship: U.S.

Residence: Concord, Ohio

Post Office Address: 7185 Summerhill Drive, Concord, Ohio 44077

\*\*\*\*\*

Tricia A. Cregger

Inventor's signature: Tricia A. Cregger

Date: 6/25/04

Country of Citizenship: U.S.

Residence: Fairlawn, Ohio

Post Office Address: 2868 Bancroft Road, Fairlawn, Ohio 44333

\*\*\*\*\*

Jeffrey R. Horacek

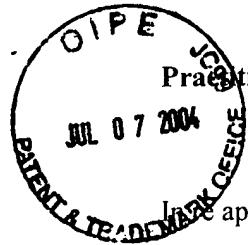
Inventor's signature: Jeffrey R. Horacek

Date 24 JUNE 2004

Country of Citizenship: U.S.

Residence: Mentor, Ohio

Post Office Address: 8160 Dalton Court, Mentor, Ohio 44060



Practitioner's Docket No. ST8622US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of: Randal W. Eveland et al.

Confirmation No.: 1249

Application No.: 10/620,824

Group No.: Not yet known

Filed: July 16, 2003

Examiner: Not yet known

For: SELF-CONTAINED BIOLOGICAL INDICATOR

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

ASSENT OF ASSIGNEE TO CORRECTION  
AND/OR ADDITION OF INVENTOR

Name of Assignee:

STERIS Inc.

Address of Assignee:

43425 Business Park Drive  
Temecula, California 92590

Assignment is recorded herewith.

FORM PTO 1595 is attached.

Assignee hereby assents to the correction of inventorship filed herewith.

---

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

X deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

FACSIMILE

transmitted by facsimile to the Patent and Trademark Office, (703) \_\_\_\_\_

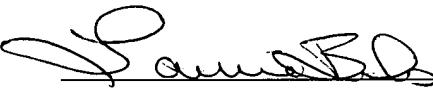
Signature

Date: 7/1/2004

Crystal Belknap  
(type or print name of person certifying)

**RIGHT OF ASSIGNEE TO TAKE ACTION**

A "STATEMENT UNDER 37 C.F.R. § 3.73(b)" is attached.



**Signature: Laurie Brlas**  
President, STERIS Inc.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Randal W. Eveland, et al.Application No./Patent No.: 10/620,824 Filed/Issue Date: July 16, 2003Entitled: SELF-CONTAINED BIOLOGICAL INDICATORSTERIS Inc. a Corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest; or  
 2.  an assignee of less than the entire right, title and interest.  
 The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
 in the patent application/patent identified above by virtue of either:

A. [ ] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

**OR**

B. [ ] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the United States Patent and Trademark Office at  
 Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the United States Patent and Trademark Office at  
 Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the United States Patent and Trademark Office at  
 Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

[ ] Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

June 29, 2004

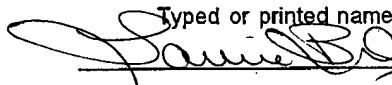
Date

(440) 354-2600

Telephone number

Laurie Brlas

Typed or printed name



Signature

President

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.